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**China's Expanding Military Operations in  
Foreign Exclusive Economic Zones**

by

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In 2012, China's People's Liberation Army (PLA) Navy for the first time conducted maritime intelligence collection operations in the Exclusive Economic Zones (EEZs)<sup>i</sup> of the U.S. territory of Guam and the state of Hawaii, without providing advance notification, according to the U.S. Department of Defense.<sup>1</sup> This activity runs counter to Beijing's own insistence that foreign militaries provide notification and receive approval prior to operating in China's claimed EEZ. The PLA publicly confirmed such operations on June 1, 2013 at an international defense forum in Singapore. Senior Colonel Zhou Bo of the Foreign Affairs Office, Ministry of National Defense stated China has "sort of reciprocated America's reconnaissance in our EEZ by sending our ships to America's EEZ for reconnaissance." Zhou also stated China has done so only "a few times," in contrast to the U.S and Japan's "almost daily reconnaissance" of China.<sup>2</sup>

### **Differing U.S. and Chinese positions on military EEZ operations**

Although the U.S. and China agree on the basic role and right of the coastal state to explore, exploit, conserve, and manage natural resources within its EEZ, the two countries have conflicting views on a coastal state's right to regulate foreign military activity in its EEZ, whether they are exercises, military surveys, reconnaissance, or other military operations.<sup>3</sup> Differences on this issue emerged in the 1970s during UN Convention on the Law of the Sea (UNCLOS) negotiations,<sup>4</sup> reflecting the contrast in priorities between coastal states with interests in the control and security of their coastal waters and seagoing states with interests in the freedom of the seas. When UNCLOS concluded in 1982, China was a coastal nation with a littoral navy while the United States was a global maritime power with a blue water navy that operated regularly outside its coastal waters.<sup>ii</sup>

- Today, China continues to assert its right to regulate foreign military activities in its claimed EEZ, a minority practice among the world's nations.<sup>iii</sup> China's position is based largely on its view that it has the right to prevent any activity that directly or indirectly threatens its security or economic interests. The United States, maintaining that military vessels have high seas freedoms in EEZs, contends China must have due regard for the rights and duties of other states exercising those freedoms in a manner compatible with UNCLOS.<sup>5</sup> Viewing its position as one based on international norms, the United States "encourage[s]" similar operations by China, according to Commander U.S. Pacific Command Admiral Samuel Locklear.<sup>6</sup>
- China further asserts jurisdiction of its domestic laws in its claimed EEZ. The 1998 Law of the People's Republic of China on the Exclusive Economic Zone and Continental Shelf requires foreign entities to obtain Chinese government approval prior to conducting fishing, natural resource exploitation, and marine scientific research in China's claimed EEZ.<sup>7</sup> China classifies U.S. military and hydrographic surveys as marine scientific research falling under the jurisdiction of this law.<sup>8</sup> The United States considers both types of survey high seas freedoms connected to the operation of ships and aircraft.

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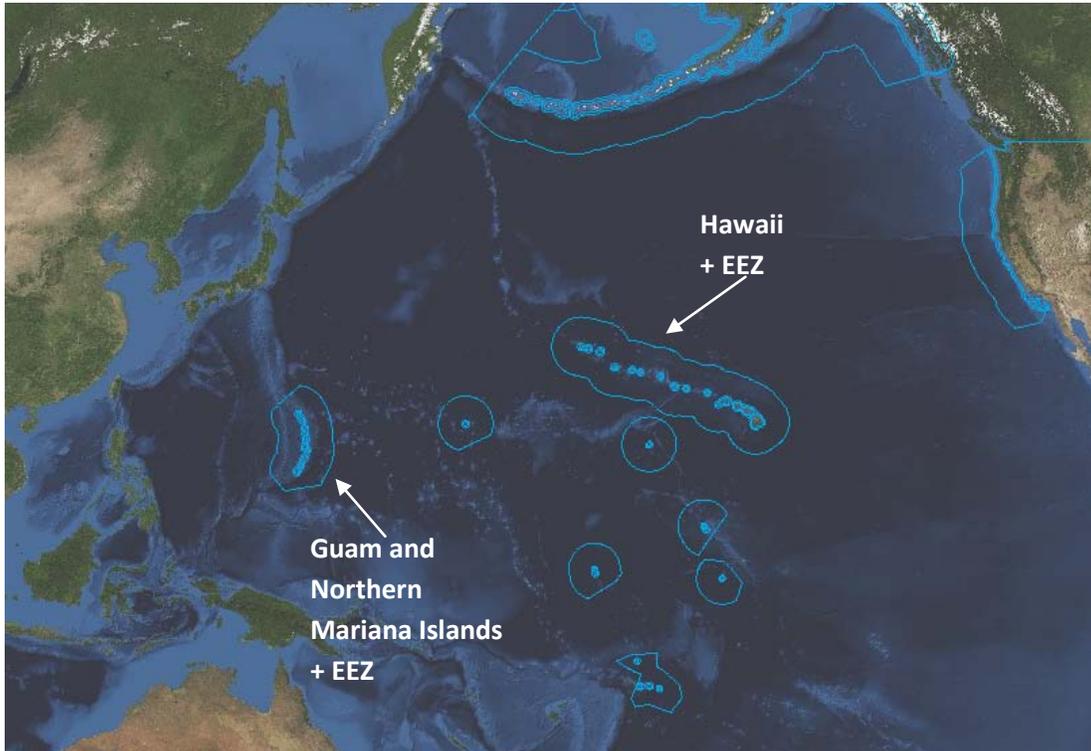
<sup>i</sup> According to the United Nations Convention on the Law of the Sea, a coastal state is entitled to an exclusive economic zone, a 200 nautical mile zone extending from its coastline within which that state can exercise jurisdiction to explore and exploit natural resources, but not full sovereignty.

<sup>ii</sup> China ratified UNCLOS in 1996. While the United States has not ratified UNCLOS, it contends the binding principles of UNCLOS conform to customary international law.

<sup>iii</sup> According to the U.S. Navy, only 27 countries, including China, share this view. Among those in South and East Asia: Bangladesh, Burma, Cambodia, India, Malaysia, Maldives, North Korea, Pakistan, Sri Lanka, Thailand, and Vietnam. Ronald O'Rourke, *Maritime Territorial and Exclusive Economic Zone (EEZ) Disputes Involving China: Issues for Congress* (Washington, DC: Congressional Research Service, April 2013), p. 4.

The different interpretations of maritime rights and freedoms in the past decade have led to bilateral tensions, and occasionally incidents between U.S. and Chinese maritime and air forces.

**Figure 1 - U.S. Maritime Limits and Boundaries in the Pacific Ocean**



This map depicts maritime limits of the United States in the Pacific Ocean, including of Guam and Hawaii. The outermost boundaries of the land features on this map (in light blue) represent EEZs. Source: U.S. National Oceanic and Atmospheric Administration, Office of Coast Survey, *U.S. Maritime Limits and Boundaries* (Washington, DC: July 2012). <http://www.nauticalcharts.noaa.gov/csd/mbound.htm>.

### **An evolving Chinese position?**

Beijing's naval presence in foreign EEZs indicates China's willingness to operate its military assets in a manner it currently protests. Rather than change its policy to one more aligned with that of the United States, Beijing likely will continue to assert its authority to regulate U.S. military activities in its EEZ even as it increases its own military operations in foreign EEZs and disputed waters in the East and South China Seas.<sup>9</sup> Beijing probably calculates its growing diplomatic, economic, and military clout will gradually erode U.S. and other regional states' abilities and willingness to challenge China on this issue.

As China transitions to a maritime power, its legal interests will transition similarly. Some Chinese scholars have suggested the PLA's acknowledgement of its foreign EEZ operations demonstrates Beijing's "changing concept of maritime affairs" is "moving [China] towards international norms."<sup>10</sup> Nevertheless, it is unlikely China will completely abandon its existing policy on military activities in EEZs, as doing so would undermine the legal foundation it has sought to build over time as an objector to the international norm. Therefore, in order to avoid being accused of holding contradictory positions, as

well as to manage regional perception of its expanding naval activity, Beijing could seek to justify its activities through some of the following approaches:

- Continue to rely on domestic law to legitimize a coastal state's authority to regulate foreign military activities in its EEZ. Under this view, which is at odds with state practice by an overwhelming majority of the world's nations, the PLA still would be justified in operating in foreign EEZs absent a coastal state's legislation addressing this matter.
- Seek to distinguish U.S. activity from its own by continuing to classify U.S. operations as marine scientific research that requires coastal state approval.
- Differentiate between U.S. activity off the coast of the Chinese mainland, and those Chinese operations along the outer reaches of the U.S. geographic periphery.
- Portray such Chinese operations as mere reciprocation of similar U.S. activities.
- Contrast China's less frequent operations to what China describes as the United States' "almost daily reconnaissance."<sup>11</sup>

### **China's improving distant sea capabilities and experience**

While the PLA Navy continues to focus on China's "near seas," it will need to be able to operate on a limited basis in "distant seas" in order to defend and advance China's expanding economic and security objectives. Thus, regardless of how Beijing attempts to justify its operations or reframe its policy, China's presence in foreign EEZs almost certainly will continue to grow as the PLA Navy modernizes its surface fleet and improves its ability to sustain long-range deployments. While PLA Navy operations in U.S. EEZs to date reportedly have been limited to maritime intelligence collection,<sup>12</sup> they likely will expand to training deployments, forward-presence operations, and limited real-world missions.<sup>13</sup>

- An increasing diversity of naval vessels will better equip the PLA Navy with the means to carry out distant seas operations.
  - China's expanding fleet of advanced ships will significantly improve the PLA Navy's air defense capability, enabling it to deploy independent task groups farther from China's shore and escort future aircraft carrier task forces and expeditionary amphibious groups.<sup>14</sup>
  - China in 2012 launched the JIANGDAO-class corvette, a new class of small naval combatant intended for littoral operations. The JIANGDAO, together with the new HOUBEI-class patrol boat, will free the PLA Navy's more advanced surface ships to focus on operations farther from China.<sup>15</sup>
  - China is fielding additional logistics vessels, such as the QIANDAOHU-class oiler, that will improve the PLA Navy's endurance for long-range deployments.<sup>16</sup>
- Since approximately 2008, China has made operating in distant seas a training priority. PLA Navy vessels are conducting increasingly frequent and complex operations in distant seas, including the Western Pacific. Furthermore, since 2009 the PLA Navy has sustained counterpiracy patrols in the Gulf of Aden. Together, these operations are providing the PLA Navy with valuable real-world experience operating at longer ranges in unfamiliar waters.<sup>17</sup>

**Figure 2 – China's "Near Seas" and "Far Seas" (also referred to as "Distant Seas")**

# “Near Seas” vs. “Far Seas”



Source: Andrew Erickson and Gabe Collins, “Near Seas ‘Anti-Navy’ Capabilities, not Nascent Blue Water Fleet, Constitute China’s Core Challenge to U.S. and Regional Militaries,” *China SignPost*, March 6, 2012. <http://www.andrewerickson.com/2012/03/china-signpost-55-near-seas-anti-navy-capabilities-not-nascent-blue-water-fleet-constitute-chinas-core-challenge-to-us-and-regional-militaries/>.

## Opportunities for U.S.-China cooperation

The PLA Navy’s increasing willingness to operate in distant seas has the potential to more closely align the maritime interests of the U.S. and China – a natural foundation for increasing cooperation between the two countries. One example of such a cooperative measure, the first bilateral counterpiracy exercise between the PLA Navy and the U.S. Navy in the Gulf of Aden, took place September 2012.

In particular, China’s operations in foreign EEZs could present Washington with an opportunity to engage in more robust discussions with Beijing on collision avoidance measures for maritime and air operations. As the PLA Navy broadens its potential operating areas, it is more likely to have a greater number of interactions with the U.S. Navy and other foreign vessels. Two instruments developed to regulate mariner interactions internationally are relevant:

- The Convention on the International Regulations for Preventing Collisions at Sea (COLREGs), a multilateral treaty to which both the United States and China are a party, is an existing and internationally-accepted set of “rules of the road” for mariners. Following incidents in which

Chinese vessels harassed U.S. naval vessels operating in China's claimed EEZ, the United States has expressed its concern about the PLA Navy's non-adherence to COLREGs.<sup>18</sup>

- The Western Pacific Naval Symposium's (WPNS) Code of Unalerted Encounters at Sea (CUES) is a promising instrument to prevent miscalculation. WPNS membership includes 21 Pacific navies, including the United States and China. China's intentions to adhere to CUES are uncertain; at the WPNS' roughly twice-annual meeting in May 2013, all members but China voted affirmatively to adopt CUES-related protocols, according to U.S. Chief of Naval Operations Admiral Jonathan Greenert.<sup>19</sup>

As the PLA Navy becomes more familiar with distant sea operations and with operating in close proximity to foreign ships, these types of measures will be increasingly central to developing a common understanding for interacting with each others' navies in order to mitigate the risk of accidents and miscalculations.<sup>20</sup>

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<sup>1</sup> U.S. Department of Defense, *Annual Report to Congress on China's Military Power, Military and Security Developments Involving the People's Republic of China 2013* (Washington, DC: May 2013), p. 39; Senate Armed Services Committee, *Hearing on U.S. Pacific Command Posture*, testimony of Admiral Samuel J. Locklear, 113<sup>th</sup> Cong., April 9, 2013, p. 7.

<sup>2</sup> Daniel Ten Kate, "China Spurns Arbitration as U.S. Joins Japan on Sea Stance," *Bloomberg*, June 2, 2013. <http://www.bloomberg.com/news/2013-06-02/china-spurns-sea-claim-arbitration-pushed-by-u-s-and-allies.html>; Rory Medcalf, "Maritime Game-Changer Revealed at Shangri-La Dialogue," *The Diplomat*, June 2, 2013. <http://thediplomat.com/flashpoints-blog/2013/06/02/maritime-game-changer-revealed-at-shangri-la-dialogue/>.

<sup>3</sup> United Nations Convention on the Law of the Sea, "Part 5: Exclusive Economic Zone." [http://www.un.org/depts/los/convention\\_agreements/texts/unclos/part5.htm](http://www.un.org/depts/los/convention_agreements/texts/unclos/part5.htm); U.S.-China Economic and Security Review Commission, *2008 Annual Report to Congress* (Washington, DC: November 2008), p. 143-147.

<sup>4</sup> Alan Wachman, "Playing by or playing with the rules of UNCLOS?" in Peter Dutton, ed. *Military Activities in the EEZ: A U.S.-China Dialogue on Security and International Law in the Maritime Commons* (Newport, RI: China Maritime Studies Institute, Naval War College, December 2010), p. 115.

<sup>5</sup> U.S.-China Economic and Security Review Commission, *2012 Annual Report to Congress* (Washington, DC: November 2012), p. 221, 239; Ronald O'Rourke, *Maritime Territorial and Exclusive Economic Zone (EEZ) Disputes Involving China: Issues for Congress* (Washington, DC: Congressional Research Service, December 2012), p. 4, 19.

<sup>6</sup> Kathrin Hille, "Chinese navy begins US economic zone patrols," *Financial Times*, June 2, 2013. <http://www.ft.com/intl/cms/s/0/02ce257e-cb4a-11e2-8ff3-00144feab7de.html#axzz2WDohYdhm>.

<sup>7</sup> "Law of the People's Republic of China on the Exclusive Economic Zone and Continental Shelf," Ministry of Land and Resources of the People's Republic of China. [http://www.mlr.gov.cn/mlrenqlish/laws/200710/t20071011\\_656313.htm](http://www.mlr.gov.cn/mlrenqlish/laws/200710/t20071011_656313.htm).

<sup>8</sup> UNCLOS also addresses marine scientific research in the EEZ and continental shelf." United Nations Convention on the Law of the Sea, "Article 246: Marine scientific research in the exclusive economic zone and on the continental shelf," [http://www.un.org/depts/los/convention\\_agreements/texts/unclos/part13.htm](http://www.un.org/depts/los/convention_agreements/texts/unclos/part13.htm); U.S.-China Economic and Security Review Commission, *2008 Annual Report to Congress* (Washington, DC: November 2008), p. 143-147.

<sup>9</sup> M. Taylor Fravel, "China's Strategy in the South China Sea," *Contemporary Southeast Asia* 33:3 (2011): 307-310; U.S.-China Economic and Security Review Commission, *2012 Annual Report to Congress* (Washington, DC: November 2012), p. 215.

<sup>10</sup> Julian Ryall and Cary Huang, "China ramps up maritime strategy zone around US territory," *South China Morning Post*, June 4, 2013. <http://www.scmp.com/news/china/article/1252859/china-ramps-maritime-strategy>.

<sup>11</sup> Daniel Ten Kate, "China Spurns Arbitration as U.S. Joins Japan on Sea Stance," *Bloomberg*, June 2, 2013. <http://www.bloomberg.com/news/2013-06-02/china-spurns-sea-claim-arbitration-pushed-by-u-s-and-allies.html>;

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<sup>12</sup> U.S. Department of Defense, *Annual Report to Congress on China's Military Power, Military and Security Developments Involving the People's Republic of China 2013* (Washington, DC: May 2013), p. 39; Senate Armed Services Committee, *Hearing on U.S. Pacific Command Posture*, testimony of Admiral Samuel J. Locklear, 113<sup>th</sup> Cong., April 9, 2013, p. 7.

<sup>13</sup> U.S. Department of Defense, *Annual Report to Congress on China's Military Power, Military and Security Developments Involving the People's Republic of China 2013* (Washington, DC: May 2013) pp. 38-39.

<sup>14</sup> U.S. Department of Defense, *Annual Report to Congress on China's Military Power, Military and Security Developments Involving the People's Republic of China 2013* (Washington, DC: May 2013) p. 7.

<sup>15</sup> U.S. Department of Defense, *Annual Report to Congress on China's Military Power, Military and Security Developments Involving the People's Republic of China 2013* (Washington, DC: May 2013), p. 7.

<sup>16</sup> David Lague, "Chinese transport 'workhorses' extending military's reach," *Reuters*, February 25, 2013.

<http://www.reuters.com/article/2013/02/25/us-china-military-ships-idUSBRE91O15V20130225>; David Axe, "This Simple Ship Could Let the Chinese Navy Circle the Globe," *Wired*, January 16, 2013.

<http://www.wired.com/dangerroom/2013/01/china-new-oiler/>.

<sup>17</sup> U.S. Department of Defense, *Annual Report to Congress on China's Military Power, Military and Security Developments Involving the People's Republic of China 2013* (Washington, DC: May 2013) p. 39.

<sup>18</sup> Jonathan G. Odom, "The True 'Lies' of the *Impeccable* Incident: What Really Happened, Who Disregarded International Law, and Why Every Nation (Outside of China) Should be Concerned." *Michigan State Journal of International Law* 18:3 (April 1, 2010): 17.

<sup>19</sup> Jonathan Greenert, "Asia-Pacific Rebalance: Strengthening Regional Maritime Security," (Center for a New American Security, Washington, DC, May 21, 2013), p. 7.

[http://www.navy.mil/navydata/people/cno/Greenert/Speech/130521\\_Center\\_for\\_a%20New\\_American\\_Security.p df](http://www.navy.mil/navydata/people/cno/Greenert/Speech/130521_Center_for_a%20New_American_Security.p df); Jonathan Greenert, "IMDEX Remarks," (International Maritime Defence Exhibition and Conference, Singapore, May 15, 2013), p. 3.

<http://www.navy.mil/navydata/people/cno/Greenert/Interview/130515%20IMDEX%20Remarks.pdf>; Sydney J. Freedberg, Jr. "CNO: Pacific Pivot Works; Full Speed Ahead on Chinese Relations," *Breaking Defense*, May 24, 2013. <http://breakingdefense.com/2013/05/24/cno-pacific-pivot-works-full-speed-ahead-on-chinese-relations/>.

<sup>20</sup> Mark E. Redden and Philip C. Saunders, *Managing Sino-U.S. Air and Naval Interactions: Cold War Lessons and New Avenues of Approach* (Washington, DC: Center for the Study of Chinese Military Affairs, National Defense University, September 2012), p. 8-9.